

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANGELA DARBY, VALENCIA SMITH, ORVILLE
DARBY, DORETHA MCLEISH, JYVY ROSE,
SHAMAR TAFFE, K [REDACTED] D [REDACTED], an infant, by her
M/N/G CARODEN TAFFE, T [REDACTED] M [REDACTED]
an infant, by his M/N/G CARODEN TAFFE, OMARI
LEWIS, and CARODEN TAFFE, individually,

Plaintiffs,

-against-

CITY OF NEW YORK, SCOTT BONNEY, PETER
RHATIGAN, MIGDALIA RAMOS, "JOHN"
ROONEY, "JOHN" ARRAO, "JOHN" SPAETH,
"JOHN" MOLINARI, "JOHN" BRANDER, "JOHN"
STOSCH, "JOHN" PENNY, "JOHN" HAYDEN, AND
JOHN and JANE DOES 1 through 10, individually and
in their official capacities, (the names John and Jane Doe
being fictitious, as the true names are presently
unknown),

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

07 CV 5439 (RRM)(JO)

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WHEREAS, plaintiffs commenced this action by filing a complaint on or about
December 28, 2007, alleging that defendants violated their constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs'
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff CARODEN TAFTE the total sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), plaintiff ANGELA DARBY the total sum of NINE THOUSAND DOLLARS (\$9,000), plaintiff IVY ROSE the total sum of FIFTEEN THOUSAND DOLLARS (\$15,000) , plaintiff VALENCIA SMITH the total sum of TWELVE THOUSAND DOLLARS (\$12,000), plaintiff DORETHA MCLEISH the total sum of FIVE THOUSAND DOLLARS (\$5,000), plaintiff SHAMAR TAFTE the total sum of TEN THOUSAND DOLLARS (\$10,000), plaintiff ORVILLE DARBY the total sum of TEN THOUSAND DOLLARS (\$10,000), plaintiff [REDACTED] the total sum of FIVE THOUSAND DOLLARS (\$5,000), plaintiff [REDACTED] the total sum of FIVE THOUSAND DOLLARS (\$5,000), in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiffs agree to dismissal of all the claims against the City of New York and to release the individually named defendants Scott Bonney, Peter Rhatigan, Migdalia Ramos and the individuals identified in the complaint as Officers Leigh, Rooney, Arrao, Spaeth, Molinari, Brander, Stosch, Penny and Hayden and any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Settlement of plaintiffs [REDACTED] and [REDACTED] claims are conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court ("Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions") and Rule 1207 et seq. of the Civil Practice Laws and Rules for the State of New York.

5. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
December 2008

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By:



Brett Klein, Esq. (BK 7144)

By:



Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel

SO ORDERED:

s/RRM

U.S.D.J.

1/8/09